

Office of School Facilities  
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT: AUTHORIZATION TO RECOMMEND APPROVAL TO MIAMI-DADE COUNTY OF A REQUEST FROM JOE MORETTI PRESERVATION PHASE ONE, LLC, FOR EXEMPTION FROM EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH A PROPOSED HOUSING PROJECT FOR THE ELDERLY, LOCATED AT 240 SW 9 STREET, MIAMI**

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

**LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance ("Ordinance"), and Section 33K-8(a) of the Miami-Dade County ("County") Code of Ordinances, an applicant shall be exempt from the terms of the Ordinance if the proposed development activity is not capable of creating a demand for capital educational facilities during its useful lifetime, as a matter of law and fact. The Ordinance also requires that the County seek a recommendation from the School Board as it relates to any claim for an exemption under the Ordinance.

The County's Building Official has now submitted a request for a recommendation from the School Board on an exemption application from Joe Moretti Preservation Phase One, LLC ("Applicant"), which is constructing a housing project ("Project") for the elderly at 240 SW 9 Street, Miami. The Applicant has requested an exemption from Educational Facilities Impact Fees ("Impact Fees"), and proffered to the County a Covenant Related to Elderly Housing ("Covenant"), which will ensure that the Project is constructed and subsequently used exclusively for elderly housing. The terms and conditions of said Covenant have been reviewed by the School Board Attorney's Office for compliance with the Ordinance and elderly housing statutes.

The Covenant stipulates the following:

- a) The Project is solely intended to be operated and maintained to meet the social and physical needs of persons fifty-five (55) years of age and older;
- b) No dwelling unit within the Project shall be occupied by any person under the age of eighteen (18);

- c) The restrictions set forth in the Covenant shall not be subject to revocation or amendment for a period of thirty (30) years, after which it shall be extended automatically for successive periods of ten (10) years each;
- d) In the event the Applicant seeks to terminate the Covenant, the Applicant shall tender the full amount of the applicable Impact Fees in effect at the time of the requested release, and the Covenant may only be released with the prior written consent of the County and the School Board;
- e) The County's Department of Regulatory and Economic Resources shall have the right, at any time, of entering and investigating the use of the premises, to determine whether or not the requirements of the Ordinance and the conditions of the Covenant are being complied with; and
- f) Failure of the Owner to enforce any of the requirements of the Covenant shall result in Impact Fees becoming due and payable for all dwelling units within the Project.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, recommend approval to Miami-Dade County of a request from Joe Moretti Preservation Phase One, LLC, for exemption from Educational Facilities Impact Fees in connection with a proposed housing project for the elderly, located at 240 SW 9 Street, Miami.

VGW:wv